



General Assembly

February Session, 2004

Amendment

LCO No. 4437

SB0060504437SD0

Offered by:

SEN. SULLIVAN, 5th Dist.

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To: Senate Bill No. 605

File No. 596

Cal. No. 419

**"AN ACT CONCERNING PERFORMANCE-BASED BUDGETING
AND LEGISLATIVE OVERSIGHT OF FEDERAL FUNDS."**

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- 1 In line 2, after "Management" insert ", in consultation with the
 - 2 Legislative Program Review and Investigations Committee,"
 - 3 In line 4, strike "one" and insert "five" in lieu thereof
 - 4 In line 17, after "to" insert "the Legislative Program and
 - 5 Investigations Committee,"
 - 6 In line 18, strike "committees" and insert in lieu thereof "committee"
 - 7 In line 20, strike "and government administration and elections,"
 - 8 In line 24, strike "committees" and insert in lieu thereof "committee"
 - 9 In line 25, after "and" insert "the budgets of state agencies"

10 In line 26, strike "government administration and elections,"

11 After the last section, add the following and renumber sections and
12 internal references accordingly:

13 "Sec. 501. Section 4-67w of the general statutes, as amended by
14 section 4 of public act 03-19, is repealed and the following is
15 substituted in lieu thereof (*Effective July 1, 2004*):

16 Not later than July 1, 2004, the State Prevention Council shall submit
17 to the Secretary of the Office of Policy and Management and the joint
18 standing committee of the General Assembly having cognizance of
19 matters relating to appropriations its recommendations concerning the
20 potential expansion, including potential use of benchmarks, or
21 termination of the State Prevention Council. [pursuant to section 2c-
22 12.]

23 Sec. 502. Section 17a-2 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2004*):

25 (a) There shall be a Department of Children and Families which
26 shall be a single budgeted agency consisting of the institutions,
27 facilities programs now existing within the department, any programs
28 and facilities transferred to the department, and such other
29 institutions, facilities and programs as may hereafter be established by
30 or transferred to the department by the General Assembly.

31 (b) Said department shall constitute a successor department to the
32 Department of Children and Youth Services, for the purposes of
33 sections [2c-2b,] 4-5, as amended, 4-38c, as amended, 4-60i, 4-77a, 4-
34 165b, 4a-11b, 4a-12, 4a-16, 5-259, as amended, 7-127c, 8-206d, 10-8a, 10-
35 15d, 10-76d, as amended, 10-76h, as amended, 10-76i, as amended, 10-
36 76w, 10-76g, as amended, 10-94g, 10-253, as amended, 17-86a, 17-294,
37 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,
38 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, 17a-463,
39 17a-474, 17a-560, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-
40 87, as amended, 19a-78, 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a,

41 38a-514, 45a-591 to 45a-705, inclusive, 45a-706 to 45a-770, inclusive,
42 46a-28, 46a-126, 46b-15 to 46b-19, inclusive, as amended, 46b-120 to
43 46b-159, inclusive, 54-56d, as amended, 54-142k, 54-199, 54-203 and in
44 accordance with the provisions of sections 4-38d and 4-39.

45 (c) Whenever the words "Commissioner of Children and Youth
46 Services", "Department of Children and Youth Services", or "Council
47 on Children and Youth Services" are used in sections [2c-2b,] 4-5, as
48 amended, 4-38c, as amended, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16,
49 5-259, as amended, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, as amended,
50 10-76h, as amended, 10-76i, as amended, 10-76w, 10-94g, 10-253, as
51 amended, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-579, 17-585,
52 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-218, 17a-277,
53 17a-450, 17a-458, 17a-463, 17a-474, 17a-511, 17a-634, 17a-646, 17a-659,
54 18-69, 18-69a, 18-87, as amended, 19a-78, 19a-125, 19a-216, 20-14i, 20-
55 14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-706 to
56 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive, as
57 amended, 46b-120 to 46b-159, inclusive, 54-56d, as amended, 54-142k,
58 54-199, 54-203, the words "Commissioner of Children and Families",
59 "Department of Children and Families", and "Council on Children and
60 Families" shall be substituted respectively in lieu thereof.

61 Sec. 503. Section 17a-247a of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2004*):

63 As used in sections 17a-247b to 17a-247e, inclusive: [, and
64 subdivision (31) of subsection (a) of section 2c-2b:]

65 (1) "Abuse" means the wilful infliction by an employee of physical
66 pain or injury or the wilful deprivation of services necessary to the
67 physical and mental health and safety of a department client.

68 (2) "Authorized agency" means any agency authorized in
69 accordance with the general statutes to conduct abuse and neglect
70 investigations and responsible for issuing or carrying out protective
71 services for persons with mental retardation.

72 (3) "Commissioner" means the Commissioner of Mental Retardation.

73 (4) "Department" means the Department of Mental Retardation.

74 (5) "Department client" means a person who is eligible for, and
75 receives services or funding from, the department.

76 (6) "Employee" means any individual employed (A) by the
77 department, or (B) by an agency, organization or individual that is
78 licensed or funded by the department.

79 (7) "Employer" means (A) the department, or (B) an agency,
80 organization or individual that is licensed or funded by the
81 department.

82 (8) "Neglect" means the failure by an employee, through action or
83 inaction, to provide a department client with the services necessary to
84 maintain such client's physical and mental health and safety.

85 (9) "Protective services" has the same meaning as provided in
86 section 46a-11a.

87 (10) "Registry" means a centralized data base containing information
88 regarding substantiated abuse or neglect.

89 (11) "Substantiated abuse or neglect" means a determination by an
90 authorized agency, following an investigation conducted or monitored
91 by such agency, that (A) abuse or neglect of a department client has
92 occurred, or (B) there has been a criminal conviction of a felony or
93 misdemeanor involving abuse or neglect.

94 Sec. 504. Subsection (a) of section 17a-450a of the general statutes is
95 repealed and the following is substituted in lieu thereof (*Effective July*
96 *1, 2004*):

97 (a) The Department of Mental Health and Addiction Services shall
98 constitute a successor department to the Department of Mental Health.
99 Whenever the words "Commissioner of Mental Health" are used or

referred to in the following general statutes, the words "Commissioner of Mental Health and Addiction Services" shall be substituted in lieu thereof and whenever the words "Department of Mental Health" are used or referred to in the following general statutes, the words "Department of Mental Health and Addiction Services" shall be substituted in lieu thereof: [2c-2b,] 4-5, as amended, 4-38c, as amended, 4-60i, 4-77a, 4a-12, 4a-16, 5-142, as amended, 8-206d, 10-19, 10-71, as amended, 10-76d, as amended, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-455, 17a-456, 17a-457, 17a-458, 17a-459, 17a-460, 17a-463, 17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-474, 17a-476, as amended, 17a-478, 17a-479, 17a-480, as amended, 17a-481, 17a-482, 17a-483, 17a-484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j, 21a-240, as amended, 21a-301, 27-122a, 31-222, 38a-514, 46a-28, 51-51o, 52-146h and 54-56d, as amended.

Sec. 505. Subsection (b) of section 17a-456 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2004*):

(b) Whenever the term "Board of Mental Health" is used or referred to in the following sections of the general statutes, the term "Board of Mental Health and Addiction Services" shall be substituted in lieu thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.

Sec. 506. Section 19a-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2004*):

As used in [subsection (a) of section 2c-2b,] this chapter and chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399 unless the context otherwise requires:

(1) "Certificate" includes the whole or part of any Department of Public Health permit which the department is authorized by the

132 general statutes to issue and which further: (A) Authorizes practice of
133 the profession by certified persons but does not prohibit the practice of
134 the profession by others, not certified; (B) prohibits a person from
135 falsely representing that [he] such person is certified to practice the
136 profession unless the person holds a certificate issued by the
137 department; (C) requires as a condition to certification that a person
138 submit specified credentials to the department which attest to
139 qualifications to practice the profession;

140 (2) "Emerging occupation or profession" means a group of health
141 care providers whose actual or proposed duties, responsibilities and
142 services include functions which are not presently regulated or
143 licensed or which are presently performed within the scope of practice
144 of an existing licensed or otherwise regulated health occupation or
145 profession;

146 (3) "License" includes the whole or part of any Department of Public
147 Health permit, approval or similar form of permission required by the
148 general statutes and which further requires: (A) Practice of the
149 profession by licensed persons only; (B) that a person demonstrate
150 competence to practice through an examination or other means and
151 meet certain minimum standards; (C) enforcement of standards by the
152 department or regulatory board or commission;

153 (4) "Public member" means an elector of the state who has no
154 substantial financial interest in, is not employed in or by, and is not
155 professionally affiliated with, any industry, profession, occupation,
156 trade or institution regulated or licensed by the board or commission
157 to which [he] such person is appointed a member, and who has had no
158 professional affiliation with any such industry, profession, occupation,
159 trade or institution for three years preceding [his] such person's
160 appointment to the board or commission;

161 (5) "Registration" means the required entry upon a list maintained
162 by the Department of Public Health of the name of a practitioner or the
163 address of a place where a practice or profession subject to the

164 provisions of [subsection (a) of section 2c-2b,] this chapter and chapters
165 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive,
166 398 and 399 may be engaged in;

167 (6) "Complaint" means a formal statement of charges issued by the
168 Department of Public Health.

169 Sec. 507. Subsection (a) of section 19a-14 of the general statutes is
170 repealed and the following is substituted in lieu thereof (*Effective July*
171 *1, 2004*):

172 (a) The Department of Public Health shall have the following
173 powers and duties with regard to the boards and commissions listed in
174 subsection (b) which are within the Department of Public Health. The
175 department shall:

176 (1) Control the allocation, disbursement and budgeting of funds
177 appropriated to the department for the operation of the boards and
178 commissions;

179 (2) Employ and assign such personnel as the commissioner deems
180 necessary for the performance of the functions of the boards and
181 commissions;

182 (3) Perform all management functions including purchasing,
183 bookkeeping, accounting, payroll, secretarial, clerical and routine
184 housekeeping functions;

185 (4) Adopt, with the advice and assistance of the appropriate board
186 or commission, and in accordance with chapter 54, any regulations
187 which are consistent with protecting the public health and safety and
188 which are necessary to implement the purposes of [subsection (a) of
189 section 2c-2b,] this chapter, and chapters 368v, 369 to 375, inclusive,
190 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399;

191 (5) Develop and perform all administrative functions necessary to
192 process applications for licenses and certificates;

193 (6) Determine the eligibility of all applicants for permits, licensure,
194 certification or registration, based upon compliance with the general
195 statutes and administrative regulations. The department may deny the
196 eligibility of an applicant for a permit or for licensure by examination,
197 endorsement, reciprocity or for reinstatement of a license voided
198 pursuant to subsection (f) of section 19a-88, as amended, or may issue
199 a license pursuant to a consent order containing conditions that must
200 be met by the applicant if the department determines that the
201 applicant:

202 (A) Has failed to comply with the general statutes and
203 administrative regulations governing [his] such applicant's profession;

204 (B) Has been found guilty or convicted as a result of an act which
205 constitutes a felony under (i) the laws of this state, (ii) federal law or
206 (iii) the laws of another jurisdiction and which, if committed within
207 this state, would have constituted a felony under the laws of this state;

208 (C) Is subject to a pending disciplinary action or unresolved
209 complaint before the duly authorized professional disciplinary agency
210 of any state, the District of Columbia, a United States possession or
211 territory, or a foreign jurisdiction;

212 (D) Has been subject to disciplinary action similar to an action
213 specified in subsection (a) of section 19a-17 by a duly authorized
214 professional disciplinary agency of any state, the District of Columbia,
215 a United States possession or territory, or a foreign jurisdiction;

216 (E) Has committed an act which, if the applicant were licensed,
217 would not conform to the accepted standards of practice of the
218 profession, including but not limited to, incompetence, negligence,
219 fraud or deceit; illegal conduct; procuring or attempting to procure a
220 license, certificate or registration by fraud or deceit; or engaging in,
221 aiding or abetting unlicensed practice of a regulated profession,
222 provided the commissioner, or [his] the commissioner's designee, gives
223 notice and holds a hearing, in accordance with the provisions of
224 chapter 54, prior to denying an application for a permit or a license

225 based on this subparagraph; or

226 (F) Has a condition which would interfere with the practice of [his]
227 such applicant's profession, including, but not limited to, physical
228 illness or loss of skill or deterioration due to the aging process,
229 emotional disorder or mental illness, abuse or excessive use of drugs or
230 alcohol, provided the commissioner, or [his] the commissioner's
231 designee, gives notice and holds a hearing in accordance with the
232 provisions of chapter 54, prior to denying an application for a permit
233 or a license based on this subparagraph;

234 (7) Administer licensing examinations under the supervision of the
235 appropriate board or commission;

236 (8) Develop and perform all administrative functions necessary to
237 process complaints against persons licensed by the department;

238 (9) Consent to the approval or disapproval by the appropriate
239 boards or commissions of schools at which educational requirements
240 shall be met;

241 (10) Conduct any necessary review, inspection or investigation
242 regarding qualifications of applicants for licenses or certificates,
243 possible violations of statutes or regulations, and disciplinary matters.
244 In connection with any investigation, the Commissioner of Public
245 Health or said commissioner's authorized agent may administer oaths,
246 issue subpoenas, compel testimony and order the production of books,
247 records and documents. If any person refuses to appear, to testify or to
248 produce any book, record or document when so ordered, a judge of
249 the Superior Court may make such order as may be appropriate to aid
250 in the enforcement of this section;

251 (11) Conduct any necessary investigation and follow-up in
252 connection with complaints regarding persons subject to regulation or
253 licensing by the department;

254 (12) Perform any other function necessary to the effective operation

255 of a board or commission and not specifically vested by statute in the
256 board or commission;

257 (13) Contract with a third party, if the commissioner deems
258 necessary, to administer licensing examinations and perform all
259 attendant administrative functions in connection with such
260 examination.

261 Sec. 508. (*Effective July 1, 2004*) Section 2c-1 of the general statutes,
262 section 2c-2b of the general statutes, as amended, sections 2c-3 to 2c-11,
263 inclusive, of the general statutes and section 2c-12 of the general
264 statutes, as amended, are repealed."